

CITATION: Li et al. v. Barber et al., 2022 ONSC 2038

COURT FILE NO.: CV-22-88514-CP

DATE: 2022/04/01

SUPERIOR COURT OF JUSTICE – ONTARIO
Proceeding under the Class Proceedings Act, 1992

RE: ZEXI LI, HAPPY GOAT COFFEE COMPANY INC, 7983794 CANADA INC.
(c.o.b. as UNION: LOCAL 613) and GEOFFREY DEVANEY, Plaintiffs

AND:

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANSEN, JASON
LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU), FREEDOM 2022
HUMAN RIGHTS AND FREEDOMS, JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN DOE
8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11, JOHN DOE 12, JOHN DOE
13, JOHN DOE 14, JOHN DOE 15, JOHN DOE 16, JOHN DOE 17, JOHN DOE
18, JOHN DOE 19, JOHN DOE 20, JOHN DOE 21, JOHN DOE 22, JOHN DOE
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48, JOHN DOE 49, JOHN DOE 50, JOHN DOE 51, JOHN DOE 52, JOHN DOE
53, JOHN DOE 54, JOHN DOE 55, JOHN DOE 56, JOHN DOE 57, JOHN DOE
58, JOHN DOE 59, JOHN DOE 60, JANE DOE 1 and JANE DOE 2, Defendants

BEFORE: Regional Senior Justice Calum MacLeod

COUNSEL: Monique J. Jilesen as agent for Paul Champ, for the Plaintiffs

Norman Groot, for the Mareva defendants Dichter, Lich, Garrah, St. Louis and
Freedom 2022 Human Rights and Freedoms

No one appearing for Patrick King

Melissa Adams, for the Attorney General of Ontario (Crown Law Office
Criminal)

Susan Keenan, for the Attorney General of Ontario (Crown Law Office Civil)

Iris Fischer for non-party Stripe Canada Payments Services Ltd.

HEARD: March 31, 2022

ENDORSEMENT

[1] This was scheduled for continuation of a motion by the plaintiffs to extend the Mareva Injunction originally granted without notice and also a continuation of the motion by certain of the Mareva defendants to dissolve the injunction. There are other matters before the court adjourned from the last appearance on March 9, 2022. In addition, I have been provided with a report from the Escrow agent appointed under the previous court orders on February 28, 2022, and March 9, 2022.

[2] The plaintiffs ask for a further adjournment and extension of the existing order. This is due to the fact that additional voluminous motion material was served on the plaintiffs earlier this week. The plaintiffs wish to review that material, respond to it and potentially to conduct cross examinations on the affidavits.

[3] The defendants oppose the adjournment request although Mr. Groot acknowledged that there was considerable material to review and his clients would not be shocked if the adjournment was granted. He did not object to the proposed terms of the extension order if the court saw fit to grant the adjournment. I believe the request is reasonable so I adjourned the motions and granted the extensions. All of the matters before the court today were adjourned to May 2, 2022, at 10:00 a.m.

[4] Ms. Keenan advised that the Attorney General of Ontario had commenced a forfeiture application pursuant to the *Civil Remedies Act, 2001* (Court file CV-22-88888). I am advised that the application is not intended to affect assets that are ultimately found to be subject to a civil judgment in favour of the class members.

[5] I also inquired about the status of the action itself. At this point there are no defences and nothing has been done by class counsel to obtain a date for a certification order. There are obviously a large number of unidentified defendants that have not yet been served.

[6] In conclusion, all matters before the court today have been adjourned to May 2, 2022, at 10:00 a.m. I have signed the order extending the current injunction. Although the courts are in the process of a gradual return to in-person hearings, all parties present are in agreement that it is more efficient to proceed by way of a virtual hearing. The hearing will therefore continue by videoconference.

Regional Senior Justice C. MacLeod

Date: April 1, 2022

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DICTER, TAMARA LICH,
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BRIGITTE BELTON, DANIEL
BULFORD, DALE ENNS, CHAD
EROS, CHRIS GARRAH, MIRANDA
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NICHOLAS ST. LOUIS (a.k.a.
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JOHN DOE 58, JOHN DOE 59, JOHN
DOE 60, JANE DOE 1 and JANE DOE
2, Defendants

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Regional Senior. Justice C. MacLeod